

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ELIJAH MATHEWS PITTMAN,

Plaintiff,

v.

SAINT FRANCIS HOSPITAL, et al.,

Defendants.

Civil Action No. 15-3371 (MAS)

ORDER

Leave to proceed in this Court without prepayment of fees is authorized. *See* 28 U.S.C. § 1915. This case is subject to *sua sponte* screening by the Court, and the Complaint will be screened in due course.

IT IS therefore on this 14th day of July, 2015;

ORDERED that the Clerk shall **REOPEN** the case by making a new and separate docket entry reading "CIVIL CASE REOPENED"; it is further

ORDERED that Plaintiff's application to proceed *in forma pauperis* is hereby **GRANTED**; it is further

ORDERED that the Complaint shall be filed; it is further

ORDERED that **SUMMONS SHALL NOT ISSUE**, at this time, as the Court's *sua sponte* screening has not yet been completed; it is further

ORDERED that the time to serve process under Fed. R. Civ. P. 4(m) is hereby extended to the date 120 days after the Court permits the Complaint to proceed; it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b) and for purposes of account deduction only, the Clerk of the Court shall serve a copy of this Order by regular mail upon the Attorney


General of the State of New Jersey and the Administrator of the Monmouth County Correctional Institution; it is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 and shall pay the entire filing fee in the manner set forth in this Order pursuant to 28 U.S.C. § 1915(b)(1) and (2), regardless of the outcome of the litigation, meaning that if the Court dismisses the case as a result of its *sua sponte* screening, or Plaintiff's case is otherwise administratively terminated or closed, § 1915 does not suspend installment payments of the filing fee or permit refund to the prisoner of the filing fee, or any part of it, that has already been paid; it is further

ORDERED that pursuant to *Siluk v. Merwin*, 783 F.3d 412 (3d Cir. 2015), if Plaintiff owes fees for more than one court case, whether to a district or appellate court, under the Prison Litigation Reform Act (PLRA) provision governing the mandatory recoupment of filing fees, Plaintiff's monthly income is subject to a single, monthly 20% deduction, "and the cases and/or appeals that an inmate has filed [sha]ll be paid off *sequentially*," *id.* at 426 (emphasis in original); *i.e.*, the first-filed case shall be paid off in full, then the second-filed case, etc., until all fees have been paid in full; it is further

ORDERED that, with respect to this case, when Plaintiff's fees become ripe for payment in accordance with *Siluk*, in each month that the amount in Plaintiff's account exceeds \$10.00, until the \$350.00 filing fee is paid, the agency having custody of Plaintiff shall assess, deduct from Plaintiff's account, and forward to the Clerk of the Court payment equal to 20% of the preceding month's income credited to Plaintiff's account, pursuant to 28 U.S.C. § 1915(b)(2), and each payment shall reference the civil docket number of this action; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by regular U.S. mail.



Michael A. Shipp, U.S.D.J.